

# Wetlands Bureau Decision Report

Decisions Taken  
09/08/2008 to 09/14/2008

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

**2007-02262                      GREENOVA LLC, C/O ALAN MCLAIN**  
**BERLIN   Androscoggin River**

### Requested Action:

Amend permit to reflect recent plan revisions which reduce overall wetland impact by 9,720 square feet. Revisions include relocating the pellet equipment to the west of the warehouse, removing the chip pile to utilizing silos, relocating debarking and chipping operations closer to production equipment, and relocating truck scales for more efficient traffic patterns.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

On 1/14/08, the applicant's agent has requested a time extension of the DES initial review to 2/18/08 as plans are being revised and will be submitted by 2/4/08. The project has greater than 2 acres of proposed wetland impact.

Inspection Date: 07/18/2007 by Lori L Sommer

### APPROVE AMENDMENT:

Amend permit to read: Dredge and fill 92,540 square feet (2.12 acres) of palustrine emergent and forested wetlands to construct a wood pellet manufacturing facility within the Berlin Industrial Park. Compensatory mitigation includes a 5.9 acre on-site preservation area along the Androscoggin River and Horne Brook, a 3.5 acre off-site preservation parcel along 532 feet of the Androscoggin River, and a 26.7 acre off-site preservation parcel near Mt. Jasper/Dead River area. Several restoration areas (9,810 square feet) and habitat enhancement areas (15,700 square feet) will also be completed pursuant to the plans.

### With Conditions:

1. All work shall be in accordance with revised plans by H.E. Bergeron Engineers dated August 7, 2008, as received by DES on August 12, 2008.
2. This permit is contingent on approval by the DES Terrain Alteration Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow conditions.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and designated buffers along the river.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
14. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

MITIGATION CONDITIONS:

15. This permit is contingent upon the execution of a conservation easement on three different parcels depicted on plans prepared by HE Bergeron Engineers, Inc. received March 26, 2008 and by draft management plans prepared by Lobdell Associates, Inc. received April 26, 2008.
16. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
17. The plan noting the conservation easements with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
18. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [signs] prior to construction.
19. The Wetlands Bureau shall be notified of the placement of the easement monuments [signs] to coordinate on-site review of their location prior to construction.
20. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
21. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
22. The two trail sections to be abandoned on the Mt. Jasper/Dead River easement shall be relocated out of wetland areas and this work shall coincide with site construction.
23. The two trail sections noted above shall be restored to wetland conditions and shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
24. The two trails to be restored shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
25. Boulders to serve as a barrier at each end of the restored trails shall be placed to deter future use of the abandoned trails.
26. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration and enhancement areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
27. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration and enhancement areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each restoration and enhancement site.

With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(c), as impacts are greater than 20,000 square feet.
2. The applicant and their agents held pre-application meetings with DES on February 9, 2007, July 9, 2007 and July 18, 2007 to give an overview of the proposed project within the existing industrial park, and representatives from ACOE, EPA, USFWS, NHF&G, and the City of Berlin were in attendance.
3. On August 15, 2007, an additional pre-application meeting was held with DES and an EPA representative to discuss mitigation proposals.
4. A Standard Dredge and Fill Application was submitted to DES on September 19, 2007 proposing to impact 106,510 square feet (2.45 acres) of wetlands to construct the wood pellet manufacturing facility.
5. The property is owned by the Berlin Industrial Development & Park Authority (BIDPA), which is a department of the City of Berlin that was established under RSA 162-G to promote industrial development.
6. The industrial park was formed in the early 1980's with federal funding, and is served by municipal water, sewer, and natural gas.
7. Approximately half of the site is currently maintained as open fields, and historically the site was part of the Brown Paper Company which managed the fields for the horses that were used in area logging operations.
8. Other manufacturing facilities currently exist within the industrial park, as well as the original Brown Paper Company barns which are now owned by the local historical society.

9. Portions of the property are located within the 100-year floodplain of the Androscoggin River; however, cut and fill volume calculations provided by the applicant's engineer indicate that there will be no loss in flood storage volume.
10. Approximately 88% of the wetlands that are proposed to be impacted are palustrine emergent wetlands that are located within existing fields and have been previously disturbed by past farming, logging and ditching activities. Overall, these previously impacted wetlands have limited functions and values.
11. The applicant (Greenova, LLC) conducted an alternative analysis to search for additional parcels that meet their site requirements, and for numerous reasons, the proposed site within the industrial park was selected.
12. On November 6, 2007, DES representatives conducted a site inspection of the areas that are proposed to be impacted within the industrial park. In addition, several potential mitigation parcels were inspected that qualified as upland buffer preservation. DES made several on-site recommendations to modify the plans to reduce the overall impact by increasing buffer areas along the brook and river. Overall, DES determined that if the buffer areas are increased then the wetland impacts associated with the development were reasonable given the disturbed condition of the wetlands, and the fact that the industrial park and supporting infrastructure have been well established since the 1980's.
13. On January 14, 2008, the applicant's agent requested a time extension for the initial review timeframe due to plan revisions that were being completed based on the inspection recommendations. The agent agreed to have revised plans submitted to DES by February 4, 2008, and agreed to the initial review being completed by February 18, 2008.
14. On January 15, 2008, DES agreed with the time extension request that the initial review would be completed by February 18, 2008.
15. On January 28, 2008, revised plans were received by DES so that the initial review process could be completed.
16. DES completed the initial review and requested additional information from the applicant on February 7, 2008 based on deficiencies and questions that were found during the review of the application.
17. On March 26, 2008, DES received newly revised plans that addressed comments and concerns that were noted in the request for additional information.
18. The applicant is proposing to mitigate wetland impacts by placing conservation easements on three parcels, which includes a 5.9 acre on-site preservation area along the Androscoggin River and Horne Brook, a 3.5 acre off-site preservation parcel along 532 linear feet of the Androscoggin River, and a 26.7 acre off-site preservation parcel near Mt. Jasper/Dead River area. Several restoration and habitat enhancement measures will also be completed pursuant to the plans.
19. The project meets the requirements and ratios for compensatory mitigation per Chapter Env-Wt 800.
20. The easement language for the three parcels has been drafted with input from the grantees and DES, and appear to be consistent with the current types of use conducted on the parcels.
21. The continued use of pre-existing trails on the Mt. Jasper/Dead River parcel will be monitored by the Department of Resources and Economic Development (DRED) so that no violations of the easement will occur.
22. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
23. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
24. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
25. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Env-Wt 101.87.
26. DES approves the permit amendment request to reflect recent plan revisions which reduce overall wetland impact by 9,720 square feet. Revisions include relocating the pellet equipment to the west of the warehouse, removing the chip pile to utilizing silos, relocating debarking and chipping operations closer to production equipment, and relocating truck scales for more efficient traffic patterns.

**2008-00805                      HAWES REVOC TRUST, RICHARD  
ALTON   Lake Winnepesaukee**

**Requested Action:**

Repair an existing docking facility protected by a 44 ft breakwater and add a 6 ft x 40 ft seasonal pier in order to increase the total number of slips on the frontage from 1 to 2 on an average of 100 ft of frontage on Rattlesnake Island, Lake Winnepesaukee, in Alton.

\*\*\*\*\*

**APPROVE PERMIT:**

Repair an existing 44 ft breakwater with a 6 ft gap at the shoreline and the adjacent 4 ft x 30 ft piling pier and install a 6 ft x 40 ft seasonal pier to be connected to the existing pier, in a "U" configuration, by an existing 6 ft x 23 ft 6 in walkway constructed over the bank on an average of 100 ft of frontage on Rattlesnake Island, Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised on August 11, 2008, and received by the Department on August 15, 2008.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. The seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the seasonal pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. The repairs shall maintain the existing size, location and configuration of the pre-existing structures.
9. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
12. Only existing rocks which have fallen shall be used for repair. No additional rock shock be brought on site.
13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), modification of a docking facility associated with a breakwater.
2. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
4. The proposed modification of the docking facility will provide 2 slips as defined per RSA 482-A:2, VIII, Boat slip, and therefore meets Rule Env-Wt 402.13.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

\*\*\*\*\*

**2003-02015                      MOZDEN, DOROTHY**  
**NEW LONDON   Pleasant Lake**

Requested Action:

Maintenance dredge 18 cu yds of material from 162 sq ft of lakebed at the mouth of White Brook on an average of 94 ft of frontage Pleasant Lake, in New London.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No USGS map. Digitized from tax map.

Con. Com. did not respond.

APPROVE AMENDMENT:

Maintenance dredge 18 cu yds of material from 162 sq ft of lakebed at the mouth of White Brook on an average of 94 ft of frontage Pleasant Lake, in New London.

With Conditions:

1. All work shall be in accordance with plans by Mark Mozden, as received by the Department on September 4, 2008.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Work shall be done during drawdown in October, and shall be completed by October 30th.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. This permit shall be used once and does not allow for annual dredging.
9. No more than 18 cubic yards of material shall be removed.
10. Material deposited within 250 ft of a public water body may need a shoreland permit.
11. Wheeled or tracked vehicles must not enter the lakebed and must be operated no closer than the top of bank.
12. Any equipment entering surface waters shall be completely free of any invasive aquatic plants and animals.
13. If, at any time during the dredging, the Department determines that rising water levels pose significant risk to the containment of the site the Department may request that the work cease until water levels recede to an acceptable level. Work shall cease immediately upon notification of the applicant, or any agent of the applicant, that water levels have risen to an unacceptable level, and shall not resume until authorized by the Department.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g) the removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-02492                      GREGORY, EDWARD & CAROL**  
**UNITY    Unnamed Stream**

Requested Action:

Amend existing permit to allow for the placement of rip rap along 87 linear feet of the stream channel as the area has failed further over the past year.

\*\*\*\*\*

APPROVE AMENDMENT:

Dredge and fill approximatley 400 square feet along 174 linear feet of intermittent stream further described as follows: Replace

existing 12-inch x 20 foot culvert with a 24-inch x 20 foot culvert and cut bank the slopes and stabilize the stream with vegetation along 87 linear feet and install rip rap along 87 linear feet of the stream and replace existing 16-inch x 30-foot culvert with a 24-inch x 30 foot squash culvert under existing driveway .

With Conditions:

1. All work shall be in accordance with plans by Edward Gregory, as received by the Department on August 23, 2007 and plans received September 4, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during periods of non-flow.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

The department reaffirms findings 1-3 of the original approval and makes the following additional finding:

4. The applicant attempted to stabilize the area utilizing only vegetation that failed and now rip rap is proposed to stabilize the steep slopes of the channel.

**2007-01451                      IN-EX HOMES LLC**  
**ANTRIM    Unnamed Stream Wetland**

Requested Action:

Amend permit to revise crossing #1 from a 15-inch CMP culvert extension to a 18-inch CPP culvert replacement and revise crossing #2 from a 8-foot x 4.2-foot x 64-foot open bottomed arch culvert to a 8-foot x 6-foot x 56-foot embedded closed bottomed box culvert with a natural type stream bottom.

\*\*\*\*\*

APPROVE AMENDMENT:

Dredge and fill 1,400 square feet (56 linear feet) of perennial stream to install an 8-foot x 6-foot x 56-foot embedded closed bottomed box culvert with a natural type stream bottom and dredge and fill 1,520 square feet of palustrine forested wetlands to replace an existing 15-inch culvert with a 18-inch x 70-foot CPP and install a 24-inch x 70-foot HDPE for road and driveway access to a 7-lot subdivision on 31.7 acres.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services dated December 21, 2007, as received by the DES Wetlands Bureau on May 19, 2008; and plans dated June 07, 2007 and February 01, 2007 and revised though August 27, 2008, as received by the DES Wetlands Bureau on August 28, 2008; and subdivision plans dated July 24, 2007, as received by the Department on October 09, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.

9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
14. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Culverts for wetland crossings shall be laid at original grade.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
20. Materials used to emulate a natural channel bottom within the culvert, between wing walls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
23. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
24. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
25. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
26. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.

With Findings:

The DES Wetlands Bureau reaffirms finding no.'s 1 - 4:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream, including the bed and banks of the channel.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

The DES Wetlands Bureau also makes the following findings:

5. In correspondence received August 28, 2008 the applicant provided written consent from the owners of lot 16 (245), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
6. In correspondence received August 28, 2008, the applicant provided a temporary easement for the required received written consent from the owners of lot 18 (tax map 245), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).



Requested Action:

After the Fact request to retain 76 linear feet of rip rap placed within the bank and bed of Perry Stream, Pittsburg.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No Con Com comments by 02/15/08

DENY PERMIT:

Request to retain 76 linear feet of rip rap placed within the bank and bed of Perry Stream, Pittsburg.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Env-Wt 303.03(I), "Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet criteria for minimum impact under Env-Wt 303.04."
3. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that the need for the proposed impact.
4. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
5. In accordance with Rule Env-Wt 302.04(d) the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
6. In accordance with Rule Env-Wt 302.04 (a), the applicant shall demonstrate by plan and example that "the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site".
7. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
8. In accordance with RSA 482-A:3,XIV,(b) "Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary."

Findings of Fact

9. On December 12, 2007, the Wetlands Bureau received an application for impacts, on the lot identified as Pittsburg tax map C5, lot 387-6-4,(the "Lot") for an after the fact request to retain 76 linear feet of rip rap placed within the bank and bed of Perry Stream, Pittsburg.
10. On February 15, 2008 the Wetlands Bureau sent a Request for More Information letter to the applicant requesting that the applicant submit information supporting the need for the impacts, plans showing all wetlands on the frontage, including any areas which require "section F" considerations for disturbed sites and information detailing the volume of material used in the fill of the bank and fill of the lot and complete topography of prior site conditions and existing site conditions and photographs of the site prior to the placement of rip rap and fill.
11. The Request for More Information letter had a deadline for submittal of the requested information of June 18, 2008.
12. On June 18, 2008, the applicant submitted a partial response to the Request for More Information letter dated February 15 2008. This response also requested an extension request with no proposed date of submittal of the balance of the requested information.
13. On July 17, 2008, the Department and agent agreed to extension to submit the balance of the information until August 29, 2008. This date is 196 days from the date of the Request for More Information letter.
14. On August 28, 2008, the applicant submitted information to the file. This information stated it was the final response to the letter dated February 15, 2008.
15. The information submitted did not include information documenting that the rip rap was the least impacting alternative method

to stabilize the site, nor did it include information on the prior conditions of the site and the amount of fill added to the lot.

#### Rulings in Support of Denial

16. There is a less impacting alternative to stabilize the bank than the placement of rip rap on the bank. Therefore pursuant to Env-Wt 302.04(d) and 302.04(a), the application is denied.

17. The applicant did not submit all the requested information, therefore the application is denied pursuant to RSA 482-A:3, XIV(b).

#### **2008-00052                      BLASKO, MARK CHICHESTER   Unnamed Wetland**

##### Requested Action:

Deny permit request to dredge and fill 3374 square feet including installation of a 8 foot span x 24 foot long x 4 foot high spanning structure for access to a proposed go-cart track on an upland area.

\*\*\*\*\*

##### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 3374 square feet including installation of a 8 foot span x 24 foot long x 4 foot high spanning structure for access to a proposed go-cart track on an upland area.

##### With Findings:

1. A request for additional information dated March 24, 2008, addressed to the applicant and copied to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. The applicant did submit additional information on August 11, 2008. This was 20 days after the denial date.
4. The fee received on August 11, 2008 was not adequate the applicant still owes a fee of \$128.4 to the Department.
5. DES did not receive all the requested additional information within the 120 days and therefore the application has been denied.

#### **2008-00858                      ANTONUCCI, GAIL WOLFEBORO**

##### Requested Action:

Restore 500 square feet along 20 linear feet of intermittent stream by removing existing crossing and dredge and fill 755 square feet along 40 linear feet of intermittent stream including installation of a 18-inch culvert for access in the subdivision of 23.44 acres into 3 single family residential lots.

\*\*\*\*\*

##### APPROVE PERMIT:

Restore 500 square feet along 20 linear feet of intermittent stream by removing existing crossing and dredge and fill 755 square feet along 40 linear feet of intermittent stream including installation of a 18-inch culvert for access in the subdivision of 23.44 acres into 3 single family residential lots.

##### With Conditions:

1. All work shall be in accordance with plans by Land Tech dated July 2008, and revised through July 30, 2008 as received by the Department on August 12, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent upon the restoration of 500 square feet of wetlands and 20 linear feet of intermittent stream channel.
4. The schedule for restoration area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

5. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration area is constructed appropriately. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
9. Work shall be done during periods of non-flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. All material removed during restoration activities shall be removed down to the level of the original hydric soils or stream channel and shall not be below that elevation.
14. All material removed during restoration activities shall be placed out of DES's jurisdiction.
15. The stream channel within the restoration area shall be a natural bottom and no angular rip rap shall be installed within the area.
16. Mulch within the restoration area shall be straw.
17. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
18. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. Silt fencing must be removed once the area is stabilized.
22. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
23. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided information to the compliance section indicating that the bridge has been installed.
6. The applicant has agreed to remove the crossing on lot 71-5-1.

**2008-01174**

**NELSON, ROBERT**

**HAMPTON Hampton River Salt Marsh**

Requested Action:

Perform construction activities in the previously developed tidal buffer for a total of 3,710 sq. ft. of permanent and temporary impacts to raze the existing dwelling and replace it with a new home with appurtenant landscaping resulting in a 40% reduction of impervious surface of this lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of a wetlands permit for work within the State Jurisdictional Wetlands for the demolition and reconstruction of a single family home at 71 Mooring Drive."

APPROVE PERMIT:

Perform construction activities in the previously developed tidal buffer for a total of 3,710 sq. ft. of permanent and temporary impacts to raze the existing dwelling and replace it with a new home with appurtenant landscaping resulting in a 40% reduction of impervious surface of this lot.

With Conditions:

1. All work shall be in accordance with plans by E.J.Cote & Associates, Inc. dated June 17, 2008, as received by DES on June 26, 2008.
2. NH DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. There shall be no further alteration of areas within NH DES wetlands jurisdiction for lot development, or other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Retaining wall shall be constructed in accordance with NH DES Wetlands Permit # 2006-02647 (expiration date 01/19/2012).
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a)&(b) work within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

**2008-01196 CFF DYNASTY TRUST, CLAYTON FOULGER  
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Modify an existing nonforming permanent crib supported docking structure by adding a 6 ft x 40 ft dock attached by a 6 ft x 12 walkway, construct a 10 ft x 32 ft perched beach with lake access steps recessed into the bank on 198 ft of frontage in Wolfeboro on Lake Winnepesaukee.

\*\*\*\*\*

DENY PERMIT:

Deny proposal to modify an existing nonforming permanent crib supported docking structure by adding a 6 ft x 40 ft piling supported dock attached by a 6 ft x 12 piling supported walkway, construct a 10 ft x 32 ft perched beach with lake access steps recessed into the bank on 198 ft of frontage in Wolfeboro on Lake Winnepesaukee.

With Findings:

Standards for Approval:

1. In accordance with RSA 482-A:3, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank,

flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."

2. Pursuant to Rule Env-Wt 302.04(a)(2) The alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
3. Pursuant to Rule Env-Wt 302.04(a)(1) The applicant shall demonstrate by plan and example that there is a supported need for the proposed impact.
4. In accordance with RSA 483-B:3, Consistency Required, the Wetlands Bureau shall issue permits only when the proposed project are consistent with the policies of the Comprehensive Shoreland Protection Act ("CSPA").
5. Pursuant to Rule Env-Wt 302.04, (a)(1) The applicant shall demonstrate by plan and example that there is a supported need for the proposed impact.
6. Pursuant to Rule Env-Wt 402.21, the department shall not approve any change in size, location, or configuration of an existing structures unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged land than the current configuration.
7. Pursuant to Rule Env-Wt 401.01(a), the establishing requirements for the design and construction of structure are in order to prevent unreasonable encroachment on surface waters of the state.
8. Rule Env-Wt 401.01(b), requires that all structures are to be constructed so as to ensure safe navigation, minimize alterations in prevailing currents, and minimize the reduction of water area available for public use.
9. Pursuant to RSA 482-A:2 VIII. Boat slip means, on water bodies over 10,000 acres, means a volume of water 25 ft long, 8 ft wide, and 3 ft deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.
10. Pursuant to Rule Env-Wt 402.03(a)(1)b. permanent docks shall not exceed a 6 ft width and a 30 ft length as measured from the normal high water mark.
11. Pursuant to Rule Env-Wt 1405.05, Slope Limitations for Accessory Structures, no accessory structures shall be constructed on lands having a slope steeper than 25 %.

Findings of Fact:

12. On July 27, 2008 the Wetlands Bureau received an application to construct a perched beach on a slope with a grade greater than 25%, and modify an existing nonconforming docking structure to a "U-shaped" configuration to provide more boatslips on 199 ft of frontage on property identified as Wolfeboro Tax Map 199, Lot 21 (the Property).
13. The normal high water mark for Lake Winnepesaukee is elevation 504.32.
14. The existing crib supported dock consists of a 11 ft x 15 ft platform over water with a nonconforming 8 ft x 6 ft shed on top accessing a 10 ft x 28 ft crib supported dock extending lakeward; far exceeding standard dimensions established in Rule Env-Wt 402.03(a)(1)b.
15. The existing nonconforming dock and proposed permanent dock extend 40 ft lakeward of the normal high water mark elevation.
16. The applicant does not propose to bring the existing crib supported dock, deck, and shed into compliance with existing rules, as required pursuant to Rule Env-Wt 402.21.
17. The applicant does not propose to remove the nonconforming 8 ft x 6 ft shed constructed over water on top of the docking structure.
18. The beach construction portion of the project involves excavating to a point approximately 18 ft landward of the normal high water line. The frontage gains 5.68 ft in elevation over the 18 ft to be disturbed.
19. The average slope through the beach construction project area is 31.5%.
20. The 31.5% slope to be impacted for the perched beach construction is well over the 25% threshold established for accessory structures per Rule Env-Ws 1405.05.

Ruling in support of the Decision:

21. The dock proposal fails to meet Rule Env-Wt 402.21 requirements, and therefore this application has been denied.
22. The perched beach proposal fails to meet Rule Env-Wt 1405.05, and therefore this application for a permit has been denied as required per RSA 483-B:3, Consistency Required.

**2008-01250                      PARRELLA JR, JOSEPH & SHARON KELLEY**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Remove an existing 100 linear ft of retaining wall and restore the natural shoreline with natural rock in the same location, repair the existing stairs in kind, and construct a 2 ft x 22 ft infiltration trench and a 2 ft x 42 ft infiltration trench, on Lake Winnepesaukee, Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no concerns with the proposed project

APPROVE PERMIT:

Remove an existing 100 linear ft of retaining wall and restore the natural shoreline with rock in the same location, repair the existing stairs in kind, and construct a 2 ft x 22 ft infiltration trench and a 2 ft x 42 ft infiltration trench, on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering dated June 23, 2008, as received by DES on July 03, 2008.
2. Area shall be regraded to original contours following completion of work.
3. The area shall be replanted with vegetation similar to pre-existing conditions when the shoreline work has been completed. This permit does not allow for the creation of a lawn in the impacted areas.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during drawdown.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The removal of a retaining wall and the restoration of the natural shoreline is the least impacting alternative.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

MINIMUM IMPACT PROJECT

\*\*\*\*\*

**2007-02874                      AMBROSE REALTY LLC**  
**HOOKSETT   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 670 square feet for the expansion of a commercial development further described as follows: Fill 395 sq feet of man made detention pond for lot development and dredge and fill 275 square feet including installation of a 24-inch x 22 foot culvert for access to the uplands in the rear of the lot.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill a total of 670 square feet for the expansion of a commercial development further described as follows: Fill 395 sq feet of man made detention pond for lot development and dredge and fill 275 square feet including installation of a 24-inch x 22 foot culvert for access to the uplands in the rear of the lot.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying dated August 22, 2008 and revised through April 28, 2008, as received by the Department on August 12, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant; and Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The wetland impacted for lot development is a man made detention basin. The new plan proposes a larger basin that will likely revert to a wetland and will replicate the functions and values of the historical basin.

**2008-01176                      TSOI, CHI**  
**NORTH HAMPTON   Unnamed Wetland**

Requested Action:

Dredge and fill 1,736 sq. ft. within an existing man-made pond to enhance the wetland/wildlife habitat utilization and visual aesthetics.

\*\*\*\*\*

Conservation Commission/Staff Comments:

"The [North Hampton Conservation] Commission unanimously approved of the plan as presented."

APPROVE PERMIT:

Dredge and fill 1,736 sq. ft. within an existing man-made pond to enhance the wetland/wildlife habitat utilization and visual aesthetics.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. Environmental Consultants dated 6/9/08, as received by DES on June 26, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

**2008-01448                      NH DRED, DIV OF FOREST & LANDS**  
**STRATFORD   Long Mtn Brk,johnson Brk,pike Brk**

Requested Action:

Impact approximately 3,950 square feet (130 linear feet) within Long Mountain Brook and Johnson Brook to replace 2 undersized, perched culverts with larger structures that will restore fish passage and natural sediment transport; and impact approximately 1,300 square feet (50 linear feet) within Pike Brook and an unnamed tributary to Pike Brook to remove 2 existing, undersized culverts and associated road fill to restore fish passage and the streambed to a natural condition.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The project is entirely within the Nash Stream State Forest

APPROVE PERMIT:

Impact approximately 3,950 square feet (130 linear feet) within Long Mountain Brook and Johnson Brook to replace 2 undersized, perched culverts with larger structures that will restore fish passage and natural sediment transport; and impact approximately 1,300 square feet (50 linear feet) within Pike Brook and an unnamed tributary to Pike Brook to remove 2 existing, undersized culverts and associated road fill to restore fish passage and the streambed to a natural condition.

With Conditions:

1. All work shall be in accordance with plans by USDA-NRCS, and in accordance with plans by NH Fish & Game Dept., as received by DES on July 28, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:



1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(t), as the project proposes to restore degraded wetland resources, specifically perennial stream road crossings that inhibit the ability for cold-water fish to pass through structures and prevent natural sediment transport.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project is receiving funds from the USDA Natural Resources Conservation Service, the US Fish & Wildlife Service, and the NH Fish & Game Department. Supervision and oversight of the project comes from NH Fish & Game Dept., NH DRED Division of Forest & Lands, and Trout Unlimited.
6. The goal of the project within the Nash Stream State Forest is to restore fish passage and sediment transport to several perennial streams that provide critical habitat to important wild brook trout populations.

## FORESTRY NOTIFICATION

\*\*\*\*\*

**2008-01843                      FORCIER, PAUL**  
**WOODSVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Woodsville Tax Map 402, Lot# 86

## EXPEDITED MINIMUM

\*\*\*\*\*

**2007-00473                      BOURGEOIS, ROBERT**  
**GILFORD   Lake Winnepesaukee**

Requested Action:  
Repair 200 sq ft an existing breakwater on 245 ft of frontage on Lake Winnepesaukee, in Gilford.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
8/13/07 Motion for Reconsideration received from Robert C. Brown, agent for Robert Bourgeois - np

Con Com signed Exp Application

APPROVE PERMIT:  
Repair 200 sq ft an existing breakwater on 245 ft of frontage on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Robert C. Brown dated 11 September 2008, as received by DES on September 12, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. Existing rocks which have fallen shall be used for repair. No additional rocks shall be added to the breakwater.
4. Repair shall maintain originally approved size, location and configuration.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate construction area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be done during drawdown.
8. All shoreline areas to be revegetated so as to replicate native shoreline conditions.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2008-01016                      LEBARON, ELIZABETH**  
**CENTER HARBOR   Squam Lake**

Requested Action:

Repair existing 34 ft 3 in x 2.5 ft retaining wall and replace existing 5 ft x 5 ft lake access stairs on 209.5 ft of frontage in Center Harbor on Squam Lake.

\*\*\*\*\*

APPROVE PERMIT:

Repair existing 34 ft 3 in x 2.5 ft retaining wall and replace existing 5 ft x 5 ft lake access stairs on 209.5 ft of frontage in Center Harbor on Squam Lake.

With Conditions:

1. All work shall be in accordance with plans by Lakes Region Marine Construction Inc. as received by the Department on September 9, 2008.
2. Replacement wall shall maintain existing length, height and configuration.
3. Replacement retaining wall shall not come closer to the water than the existing wall.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dated photographic documentation of the replacement wall shall be submitted to the Wetlands Bureau as a notification of completion of the project.
9. Shall replacement wall fail within a 6 year period from date of completion, the landowner shall file a new application for retaining wall replacement with stamped plans prepared by a certified professional in erosion and sediment control and site may be subject to further NHDES evaluation and requests.
10. This permit does not authorize sand deposition for the purpose of beach construction or replenishment.
11. This permit does not authorize dredging within wetlands jurisdiction of any purpose.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-01319                      ARCAND, EUGENE & RITA DIGIOVANNI**  
**MEREDITH   Lake Winnepesaukee**

**Requested Action:**

Repair a 6 ft x 12 ft crib and a 12 ft 3 in x 24 ft pier accessed by a 6 ft x 22 ft 3 in walkway from shore, install a seasonal boatlift, and relocate 2 personal watercraft lifts on an average of 138 ft of frontage on Lake Winnepesaukee, in Meredith.

\*\*\*\*\*

**APPROVE PERMIT:**

Repair a 6 ft x 12 ft crib and a 12 ft 3 in x 24 ft pier accessed by a 6 ft x 22 ft 3 in walkway from shore, install a seasonal boatlift, and relocate 2 personal watercraft lifts on an average of 138 ft of frontage on Lake Winnepesaukee, in Meredith.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction as revised August 11, 2008, and received by DES on August 15, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the existing size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
9. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the repairs.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

**With Findings:**

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**ROADWAY MAINTENANCE NOTIF**

\*\*\*\*\*

**2008-01831                      NEW HAMPSHIRE MOTOR SPEEDWAY, JOHN ZUDELL  
CANTERBURY   Unnamed Stream**

COMPLETE NOTIFICATION:

Replace 12" culvert with 15" HDPE on Media Road

**2008-01836                      NH DEPT OF TRANSPORTATION  
EPPING   Tributary To Rum Brook**

COMPLETE NOTIFICATION:

Replace 24" CMP in kind

**2008-01837                      KEENE, CITY OF  
KEENE   Unnamed Stream**

COMPLETE NOTIFICATION:

Replace culvert, clean inlet and outlet

**2008-01838                      NH DRED  
PITTSBURG   Unnamed Stream**

COMPLETE NOTIFICATION:

Clean ditchline, reset & replace one 18" and two 15" culverts

**2008-01839                      NH DRED  
PITTSBURG   Unnamed Stream**

COMPLETE NOTIFICATION:

Clean ditchline, reset two 18", replace two 18" and replace a 15" culvert

**2008-01858                      ALTON, TOWN OF  
ALTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Roadside ditch maintenance in 2 areas that are each 375 sq. feet in size

**PERMIT BY NOTIFICATION**

\*\*\*\*\*

**2008-01520                      NETTLES, M SELMA  
MEREDITH   Lake Winnepesaukee**

Requested Action:

Repair steps and stone retaining wall.

\*\*\*\*\*

PBN IS COMPLETE:

Repair steps and stone retaining wall.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2008-01605                      LAKERIDGE MANOR ASSOCIATION, NANCY STEARNS  
GILMANTON   Shellcamp Pond**

Requested Action:

Replenish existing beach with no more than 10 cubic yards of sand.

\*\*\*\*\*

PBN IS COMPLETE:

Replenish existing beach with no more than 10 cubic yards of sand.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa) replenish a beach with no more than 10 cubic yards.

**2008-01606                      PAUGH, JAMES  
MEREDITH   Lake Winnepesaukee**

Requested Action:

Replace existing ice clusters.

\*\*\*\*\*

PBN IS COMPLETE:

Replace existing ice clusters.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2008-01670                      EJS TRUST  
AUBURN   Unnamed Stream**

Requested Action:

Impact 375 square feet of forested wetland for the installation of a 30"x16' CPP culvert to construct a driveway to access buildable upland on a single family residential lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Auburn Conservation Commission signed the PBN.

PBN IS COMPLETE:

Impact 375 square feet of forested wetland for the installation of a 30"x16' CPP culvert to construct a driveway to access buildable upland on a single family residential lot.

**2008-01778                      MCCORD, KENNETH**  
**ALBANY   Unnamed Stream**

Requested Action:

Dredge and fill approximately 1100 sq. ft. of wetlands and associated intermittent stream for construction of a driveway access to an existing single family building lot. Work in Wetlands consists of installation of a 48 in. x 30 ft. embedded culvert with associated grading, filling and inlet and outlet protection.

\*\*\*\*\*

PBN IS COMPLETE:

Dredge and fill approximately 1100 sq. ft. of wetlands and associated intermittent stream for construction of a driveway access to an existing single family building lot. Work in Wetlands consists of installation of a 48 in. x 30 ft. embedded culvert with associated grading, filling and inlet and outlet protection.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z).

**2008-01779                      MCCORD, KENNETH**  
**ALBANY   Unnamed Stream**

Requested Action:

Dredge and fill approximately 520 sq. ft. of wetlands for construction of a driveway access to an existing single family building lot.

\*\*\*\*\*

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z).

**2008-01786                      LEVINE, LINDA**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

repair/replace existing 65 linear ft retaining wall.

\*\*\*\*\*

PBN IS COMPLETE:

repair/replace existing 65 linear ft retaining wall.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2008-01810                      SULLIVAN, TOWN OF**  
**SULLIVAN   Unnamed Stream**

Requested Action:

Temporarily impact the bank of Beaver Brook to repair/replace the existing Beaver Brook dry hydrant.

\*\*\*\*\*

PBN IS COMPLETE:

Temporarily impact the bank of Beaver Brook to repair/replace the existing Beaver Brook dry hydrant.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(6), The excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, that meets the criteria in Env-Wt 303.04(w);
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. Sullivan Fire & Rescue submitted a letter dated April 11, 2008, explaining the need for the dry hydrant repair.
5. The applicant submitted a letter of permission for the proposed dry hydrant repair signed by NHDOT, the owners of the subject parcel, (tax map/lot 6/081-000).

**2008-01811                      ROCKART, ELISE**  
**NEW LONDON   Pleasant Lake**

Requested Action:

Repair/replace existing retaining wall.

\*\*\*\*\*

PBN IS COMPLETE:

Repair/replace existing retaining wall.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2008-01852                      LOVELY, RODERICK**  
**ENFIELD   Mascoma Lake**

Requested Action:

repair/replace existing retaining wall.

\*\*\*\*\*

PBN DISQUALIFIED:

repair/replace existing retaining wall.

With Findings:

1. The proposed retaining wall reconstruction is not in-kind and therefore has been disqualified pursuant to Rule Env-Wt 506.01(a)(2).

**CSPA PERMIT**

\*\*\*\*\*

**2008-01454                      SEARLE/SEGAL, GARY/ILENE**  
**CENTER HARBOR   Hawkins Pond**

Requested Action:

Impact 39,970 to construct a primary structure, driveway and septic system on property with approximately 50.57 acres on Watkins Pond in Center Harbor.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 39,970 to construct a primary structure, driveway and septic system on property with approximately 50.57 acres on Watkins Pond in Center Harbor.

**With Conditions:**

1. All work shall be in accordance with plans by David M. Dolan Associates dated July 21, 2008 and received by the Department of Environmental Services ("DES") on July 21, 2008.
2. No more than 4.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 76,497 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 76,496.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. This permit is contingent upon approval of the proposed septic system by the NH Subsurface Systems Bureau.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**With Findings:**

1. The project shall not impact wildlife identified as sensitive species by the NH Natural Heritage Bureau as there are no impacts proposed within the 50 ft waterfront buffer or within jurisdictional wetlands.

**2008-01500                      VINAGRO, VICTOR & MARY  
WAKEFIELD   Belleau Lake**

**Requested Action:**

Impact 7194 sq ft to construct a primary structure with driveway and walkway on property with approximately 4.68 acres on Belleau Lake in Wakefield.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 7194 sq ft to construct a primary structure with driveway and walkway on property with approximately 4.68 acres on Belleau Lake in Wakefield.

**With Conditions:**

1. All work shall be in accordance with plans by Dube Construction Plus dated July 30, 2008 and received by the Department of Environmental Services ("DES") on August 5, 2008.
2. No more than 7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 22,884 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 20,187.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.



5. Appropriate erosion and siltation control measures shall be installed as appropriate to protect all existing jurisdictional wetlands from erosion of exposed soils.
6. Appropriate erosion and siltation control measures shall be installed along the 50 ft primary building setback boundary to protect the waterfront buffer from erosion of exposed soils.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01557                      HAMMOND, HARRY**  
**ACWORTH   Cold River**

Requested Action:

Impact 8,976 sq ft to construct of a primary structure and septic system on property within proximity of the Cold River in Acworth.  
\*\*\*\*\*

APPROVE PERMIT:

Impact 8,976 sq ft to construct of a primary structure and septic system on property within proximity of the Cold River in Acworth.

With Conditions:

1. All work shall be in accordance with plans by Landmark Land Services, LLC dated July 2008 and received by the Department of Environmental Services ("DES") on August 11, 2008.
2. No more than 4.57% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 14,865 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,313 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01560                      NIXON, SCOTT / AUDREY**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Impact 5,720 sq ft to construct a cottage, install a septic system and a dug well on property with approximately 145 ft of shoreline frontage on Lake Winnepesaukee on Rattlesnake Island.  
\*\*\*\*\*

APPROVE PERMIT:

Impact 5,720 sq ft to construct a cottage, install a septic system and a dug well on property with approximately 145 ft of shoreline frontage on Lake Winnepesaukee on Rattlesnake Island.

With Conditions:

1. All work shall be in accordance with revised plans by Varney Engineering, LLC dated September 5, 2008 and received by the Department of Environmental Services ("DES") on September 8, 2008
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 5.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 8,855 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,647.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01570                      CAVALLERO, RICHARD**  
**STODDARD   Pickerel Creek**

Requested Action:

Impact 2558 sq ft to expand an existing conforming primary structure and install a septic system within 250 ft of Pickeral Creek in Stoddard.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2558 sq ft to expand an existing conforming primary structure and install a septic system within 250 ft of Pickeral Creek in Stoddard.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Septic Design LLC dated July 7, 2008 and received by the Department of Environmental Services ("DES") on August 11, 2008.
2. No more than 17.77% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 22,753.5 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 14,317.4 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01625                      WHITE, ROBERT**  
**NEWBURY   Sunapee Lake**

**Requested Action:**

Replace a 200 sq ft open deck located outside of the 50 ft primary building setback with a 300 sq ft open deck located outside of the 50 ft primary building setback on property on Lake Sunapee in Newbury.

\*\*\*\*\*

**APPROVE PERMIT:**

Replace a 200 sq ft open deck located outside of the 50 ft primary building setback with a 300 sq ft open deck located outside of the 50 ft primary building setback on property on Lake Sunapee in Newbury.

**With Conditions:**

1. All work shall be in accordance with plans by Robert White received by the Department of Environmental Services ("DES") on August 12, 2008.
2. No more than 18.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer. Approximately 1,132 sq ft of existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01646                      ARGUE, WILLIAM**  
**GILMANTON   Crystal Lake**

**Requested Action:**

Raze an existing nonconforming primary structure and construct a new foundation and rebuild the primary structure within the same footprint on property with approximately 160 ft of shoreline frontage on Crystal Lake in Gilmanton.

\*\*\*\*\*

**APPROVE PERMIT:**

Raze an existing nonconforming primary structure and construct a new foundation and rebuild the primary structure within the same footprint on property with approximately 160 ft of shoreline frontage on Crystal Lake in Gilmanton.

**With Conditions:**

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC dated July 22, 2008 and received by the Department of Environmental Services ("DES") on August 13, 2008.
2. No more than 14.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,370.75 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,370.75 sq ft of the existing undisturbed Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant has proposed to plant Red Maple, Juniper, Sweet Fern, Russian Cypress, Grow Low Sumac, Gould Mound Spirea, Hosta Royal Standard, Daylilly, Lowbush Blueberry, Summer Sweet, Highbush Blueberry and Silky Dogwood within the waterfront buffer.
2. The applicant has proposed to install stormwater controls consisting of infiltration trenches long the roof eaves of the proposed structure.

**2008-01650                      SKEIST, HELEN**  
**CANAAN    Goose Pond**

Requested Action:

Impact 2635 sq ft to replace an existing septic system outside of the 150 ft woodland buffer on property with indirect frontage to Goose Pond in Canaan.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2635 sq ft to replace an existing septic system outside of the 150 ft woodland buffer on property with indirect frontage to Goose Pond in Canaan.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated July, 2008 and received by the Department of Environmental Services ("DES") on August 13, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 9.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,700 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 425 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01652                      MONTEITH, JOHN**  
**WAKEFIELD    Balch Pond**

Requested Action:

Expansion of an open deck attached to the primary structure on property with approximately 100 ft of frontage on Balch Pond in Wakefield.

\*\*\*\*\*

**APPROVE PERMIT:**

Expansion of an open deck attached to the primary structure on property with approximately 100 ft of frontage on Balch Pond in Wakefield.

**With Conditions:**

1. All work shall be in accordance with plans by Dwight Venell dated 8/2/08 and received by the Department of Environmental Services ("DES") on August 13, 2008.
2. No more than 12.25% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 11,006 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01659                      WISE, ROBERT**  
**HOLDERNESS   Squam Lake**

**Requested Action:**

Construct new foundation for existing nonconforming structure on property with approximately 260 ft of shoreline frontage on Squam Lake in Holderness.

\*\*\*\*\*

**APPROVE PERMIT:**

Construct new foundation for existing nonconforming structure on property with approximately 260 ft of shoreline frontage on Squam Lake in Holderness.

**With Conditions:**

1. All work shall be in accordance with plans by Misiasek Turpin PLLC dated August 4, 2008 and received by the Department of Environmental Services ("DES") on August 14, 2008.
2. No more than 12.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 17,103 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,474.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01674                      TOWN OF ANTRIM, WILLIAM PROKOP**  
**ANTRIM   Gregg Lake**

Requested Action:

Temporarily disturb 16.5 sq ft to replace and reposition an existing drainage pipe and install catch basins within the protected shoreland.

\*\*\*\*\*

APPROVE PERMIT:

Temporarily disturb 16.5 sq ft to replace and reposition an existing drainage pipe and install catch basins within the protected shoreland.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers, Inc. dated July 16, 2008 and received by the Department of Environmental Services ("DES") on August 15, 2008.
2. The project as proposed will create no additional impervious surface within the protected shoreland other than that which is created by the proposed check dams.
3. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This project is contingent upon approval of a wetlands permit from the DES Wetlands Bureau for impacts within the bank of Gregg Lake and any impacts to jurisdictional wetlands.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01675                      OCONNOR, MICHAEL**  
**WEST CHESTERFIELD   Connecticut River**

Requested Action:

Place a gazebo approximately 33 ft from the reference line to the Connecticut River in Chesterfield.

\*\*\*\*\*

APPROVE PERMIT:

Place a gazebo approximately 33 ft from the reference line to the Connecticut River in Chesterfield.

With Conditions:

1. All work shall be in accordance with plans by Michael J. O'Connor Jr. dated August 14, 2008 and received by the Department of Environmental Services ("DES") on August 15, 2008.
2. No more than 1.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will impact no existing Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 25% of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. The proposed gazebo must be located at least 20 ft from the reference line, must not exceed 12 ft in height and occupy no more

than 150 sq ft.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

## CSPA PERMIT W/WAIVER

\*\*\*\*\*

**2008-01128                      GOCHT, RONALD & NANCY**  
**SWANZEY   Swanzey Lake**

### Requested Action:

Applicant requests removal of Condition #6 requiring a deed restriction.

\*\*\*\*\*

### APPROVE AMENDMENT:

Expansion of an existing nonconforming primary structure located within the primary building setback (the "Setback") on property with approximately 1.06 acres on Swanzey Lake in Swanzey.

WAIVER APPROVED: RSA 483-B:9, II is waived to allow the expansion of a structure that encroaches on the primary building setback.

### With Conditions:

#### AMENDED CONDITIONS:

1. All work shall be in accordance with building plans by Forest Designs dated June 20, 2008 and received by the Department of Environmental Services ("DES") on July 22, 2008 and stormwater control and planting plans received by DES on July 22, 2008.
2. This permit shall not be effective until it has been recorded with the Cheshire County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction..
3. The proposed impervious surfaces, as depicted on, on the approved plans, shall occupy no more than 13.25% of the total lot size.
4. All activities associated with the completion of this project will comply with applicable criteria of all administrative rules and RSA 483-B during and after construction.
5. This permit is contingent upon approval of the proposed septic system by the NH Subsurface Systems Bureau.
6. There shall be no more than 1 kitchen facility within the primary structure so as to maintain compliance with RSA 483-B:9, V, (e), (2).
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

### With Findings:

1. The existing structure, as identified on the town of Swanzy Tax Map 45 Lot 12, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing primary structure is located approximately 32 ft from the reference line, has a footprint of approximately 1,327 sq ft and provides approximately 1,182 sq ft of living space.
3. The proposed structures will be located approximately 32 ft from the reference line, at their closest point, have a total footprint of approximately 3,516 sq ft and provide approximately 3,486 sq ft of living space.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to plant native vegetation including Swamp Azalea, Juniper, Low Bush Blueberry, Winterberry Holly, Virginia Creeper, Eastern Hemlock, Eastern White Pine, White Spruce and Balsam Fir as specified on planting plans received by DES on July 22, 2008.
6. The Applicant has proposed to install stormwater controls consisting of infiltration trenches along the drip edges of the proposed structures and a gutter system that shall direct stormwater to proposed swales for stormwater infiltration, as specified on stormwater control plans received by DES on July 22, 2008.
7. The Applicant has proposed to remove approximately 1,063 sq ft of gravel driveway.
8. The Applicant's proposal includes stormwater controls and native plantings.
9. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II to be eligible for a waiver.
10. The permit prohibits the addition of any kitchen facilities and shall be recorded with the Registry of Deeds thus serving the same function as a deed restriction.